




Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-3117	
	Application Number 10/574,945-Conf. #7327	Filed April 7, 2006	
	First Named Inventor Haruo Yoshida et al.		
	Art Unit 2169	Examiner A. Ruiz	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 40,290 – 24,104</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p style="text-align: right;"> _____ Signature</p> <p style="text-align: right;">Christopher M. Tobin – Ronald P. Kananen _____ Typed or printed name</p> <p style="text-align: right;">(202) 955-3750 _____ Telephone number</p> <p style="text-align: right;">July 10, 2008 _____ Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input type="checkbox"/> *Total of 1 forms are submitted.			




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Docket No.: SON-3117
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Haruo Yoshida et al.

Application No.: 10/574,945

Confirmation No.: 7327

Filed: April 7, 2006

Art Unit: 2169

For: FILE MANAGING APPARATUS, FILE
MANAGING METHOD, FILE MANAGING
METHOD PROGRAM, AND RECORDING
MEDIUM THAT RECORDS FILE
MANAGING METHOD PROGRAM

Examiner: A. Ruiz

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF FINAL REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

REMARKS

This communication is responsive to the Final Office Action dated March 10, 2008 in this application, and is concurrently filed with a Notice of Appeal and request for extension of time. Applicant respectfully requests pre-appeal brief panel review of the Final Office Action, and allowance of the claims in this application. In the Action, claims 1-14 have been rejected under 35 U.S.C. 103(a) as detailed below. Applicant respectfully requests panel review and reversal of this rejection, and immediate allowance of the pending claims.

Claims 1-14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2003/01161616 A1 to Um et al. ("Um") in view of U.S. Pat. No. 5,659,742 to Beattie et al. ("Beattie"). This rejection is traversed.

Claim 1 recites: *[a] file managing apparatus for managing files recorded on a recording medium which has an index file recorded as a series of entries including blocks of extract information derived from and corresponding to said files to be managed;*

wherein said index file includes a plurality of files into which data including the extract information is divided by attribute and the plurality of files includes a property file having data representative of attributes of said files to be managed;

wherein said file managing apparatus records a still picture file in such a manner that an entry including extract information about the still picture file is registered into said index file, and reorganizes said index file in such a manner that a plurality of still picture files recorded on said recording medium are grouped into a single movie file; and

wherein the entries corresponding to said plurality of still picture files grouped into said movie file are deleted from said index file by setting a valid-invalid information as invalid in the property file to indicate that the corresponding extract information is invalid, while an entry including extract information about said movie file is registered into said index file.

These claimed features are neither disclosed nor suggested by Um. Um discloses a technique for organizing an index file by allowing the index files to be variously assigned to groups according to a filename list so that the particular groups can be easily managed separately from the other groups. The Um system allows the user to easily add or remove a still picture from a given group, without removing the still picture from the other groups that it resides in. This ostensibly allows improved management of the user's still pictures. This is clearly evident in FIG. 8 of Um, wherein it is shown that the picture "BABY1095" may be added to filename list #2. Once this picture is in this filename list #2, that and the other pictures may be variously sequenced. There is no deletion of the index file for the picture, as the UM technique is merely organizing pictures into a file list.

In Um, there is no deletion of the index file nor is there any impetus to do so, since Um has nothing whatsoever to do with consolidating numerous index file entries into a movie file. Rather, as noted Um is an organizational tool that allows the still image files to be assigned to any number of groups.

Still further, there is clearly no disclosure or suggestion of the “*plurality of still picture files recorded on said recording medium are grouped into a single movie file...*” as claimed by Applicant. As mentioned, the still picture index is retained in UM. There is no mention of removing multiple still picture indices in favor of a single movie file as claimed. Indeed, Um never discusses in any way the organization of multiple still pictures into a movie file. The Action vaguely references claim 2 and the Abstract, but these merely restate what is described above, which is that Um merely organizes pictures with the filename list.

The Action also states “[t]he STREAM being the movie file”. This only further illustrates the impropriety of the rejection. STREAM merely refers to a directory in the DVR directory. This includes stream files (*.m2ts) containing actual motion-picture data stream packets. There is absolutely no mention of any kind of grouping still picture indices into a single movie file in Um. Additionally, even if one presumes that STREAM is a movie file, there is never any mention in Um of grouping still picture indices into a single STREAM file.

Finally, as the Action states, Um does not disclose (or suggest) deleting the index file. Nor does it disclose the particular fashion in which deletion is carried out, specifically, “*wherein the entries corresponding to said plurality of still picture files grouped into said movie file are deleted from said index file by setting a valid-invalid information as invalid in the property file to indicate that the corresponding extract information is invalid, while an entry including extract information about said movie file is registered into said index file,*” as claimed by Applicant.

Accordingly, Um is deficient in its failure to disclose the claimed invention in various ways, well beyond the characterization of Um in the Action.

Beattie does not remedy the deficiencies of Um. Beattie discloses a method for storing multimedia information in an information retrieval system. Beattie discloses a database that stores image and text information that can both be retrieved in response to a single query. The passage cited in the Action (31:26-39) merely speaks to the management of an index table, and how the table is updated when image and text information is deleted from the database.

Beattie is clearly even further removed from Applicant’s claimed invention than Um, and fails to cure the deficiencies noted above. Since various features are absent from even the

combination of Um and Beattie, Applicant submits that a prima facie case of obviousness has not been presented for independent claim 1.

For reasons similar to those provided regarding claim 1, the remaining independent claims are also neither disclosed nor suggested by the relied-upon references, alone or in combination. Claims 2-11 depend from claim 1 and thus incorporate the distinct features recited therein, as well as their own, separately recited patentably distinct features.

Advisory Action and Examiner Comments

Applicant has also reviewed the comments of the Examiner in the Advisory Action dated May 30, 2008, but they are not persuasive. In the Advisory Action, the Examiner appears to point to different items from those mentioned in the Action, but the rejection remains lacking. In the absence of allowance of the claims, which is believed appropriate immediately, Applicant respectfully requests a coherent element-by-element explanation as to how Um discloses the claimed features of Applicant's invention.

With reference to the Advisory Action comments, it is clear that Um reference still fails to disclose *"reorganiz[ing] said index file in such a manner that a plurality of still picture files recorded on said recording medium are grouped into a single movie file; and*

wherein the entries corresponding to said plurality of still picture files grouped into said movie file are deleted from said index file by setting a valid-invalid information as invalid in the property file to indicate that the corresponding extract information is invalid..."

FIG. 2 of Um illustrates a standard DVR directory structure, which is updated to include the invention of Um in the dotted line portion. This portion clearly indicates that the organization of the still image files is in the STILLINF directory as a .stli filename. As clearly stated in Um, this is a still-picture information file that is stored under the directory STILLINF as also shown in FIG. 5. These files contain the filenames lists as shown in the figure and as previously explained to the

Examiner. Thus (1) Um does not disclose grouping the plurality of still picture files "into a single movie file."

Also, the corresponding entries for the individual photos are not deleted, they are intentionally retained. This is because, as also previously, explained to the Examiner, the filename list is merely for having various organizations of items. Thus, (2) Um does not disclose (a) deleting the grouped pictures from the index file or (b) doing so by setting a valid-invalid information as invalid in the property file to indicate that the corresponding extract information is invalid. As noted Beattie does not in any way remedy these deficiencies.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Um in view of Beattie.

Dated: July 10, 2008

Respectfully submitted,

By 

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